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8 UNITED STATES DISTRICT COURT  
9 NORTHERN DISTRICT OF CALIFORNIA  
10 SAN FRANCISCO DIVISION

11 UNITED STATES OF AMERICA, ) No. CR 3-05-70945 EMC  
12 Plaintiff, )  
13 ) ~~PROPOSED~~ DETENTION ORDER  
14 v. ) RE: CLEVELAND DARRELL MITCHELL  
15 CLEVELAND DARRELL MITCHELL, )  
16 Defendant. )  
17

18 On November 28, 2005, defendant Cleveland Darrell Mitchell appeared before the Court,  
19 with his counsel, Assistant Federal Public Defender Steven Kalar. Assistant United States  
20 Attorney Peter B. Axelrod appeared for the United States. Previously, on November 23, 2005,  
21 the defendant appeared before the Court for an initial appearance on an out-of-district arrest  
22 warrant related to violations of pretrial release in a Las Vegas, Nevada case, U.S. v. Cleveland  
23 Darrell Mitchell, CR-S-04-0504-JCM (RJJ). On November 23, the defendant waived an identity  
24 hearing and requested a detention hearing.

25 On November 28, 2005, the Court held a detention hearing and received evidence in the  
26 form of the United States' proffer, the defendant's proffer, and two reports by United States  
27 Pretrial Services. After considering the evidence and the parties' arguments, the Court orders the  
28 defendant detained as a flight risk pending his return to the District of Nevada for the following

DETENTION ORDER  
CR 3-05-70945 EMC

1 reasons:

2 1. After his release from custody in August, 2005, the defendant has repeatedly failed to  
3 report as directed by Pretrial Services in Las Vegas, Nevada. Specifically, he failed to report on  
4 August 3 and 5, 2005. On August 8, 2005, he was directed to report on a daily basis; he failed to  
5 do so.<sup>1</sup> Further, the defendant was directed to report to Pretrial Services on August 26, 2005 and  
6 failed to do so. Since that time (3 months ago), the defendant has not reported to Pretrial  
7 Services.

8 2. The defendant has an extensive history of non-compliance with Court orders, which  
9 include five failures to appear and five probation violations.

10 3. The defendant has no sureties to support his release. The defendant failed to come  
11 forward at the hearing with any sureties with money and/or property to post in support of the  
12 request.

13 Accordingly, pursuant to Title 18, U.S.C. §3142 (i), the Court hereby orders the  
14 defendant detained pending his transfer to the District of Nevada. The Court further orders that  
15 defendant be committed to the custody of the Attorney General for confinement in a corrections  
16 facility separate, to the extent practicable, from persons awaiting or serving sentences or being  
17 held in custody pending appeal. (18 U.S.C. §3142(i)(2)). The Court orders that defendant be  
18 afforded reasonable opportunity for private consultation with counsel (18 U.S.C. §3142(i)(3)).  
19 The Court orders that, on further order of a court of the United States or on request of an attorney  
20 for the Government, the person in charge of the corrections facility in which defendant is  
21 confined deliver defendant to a United States Marshal for the purpose of an appearance in  
22 connection with a court proceeding. (18 U.S.C. §3142(i)(4)).

23 IT IS SO ORDERED.

24  
25 DATED: 11/29/05



EDWARD M. CHEN  
United States Magistrate Judge

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28 <sup>1</sup> On August 8, 2005, the defendant submitted a urine sample that tested positive for cocaine,  
which results were confirmed by later testing.